

A loophole could dim impact in proposed energy-saving bill

New legislation is slated to phase out inefficient bulbs, but efficiency groups are concerned a loophole could diminish impact.

By Mark Clayton | Staff writer of The Christian Science Monitor

It's not as portentous as raising fuel-efficiency standards or doling out solar-energy subsidies. Nevertheless, Congress is poised to pass a major energy-saving measure as soon as this month, if it can solve a rather glaring problem: How do you describe an energy-efficient light bulb?

That question is crucial because the new legislation would phase out energy-intensive incandescent bulbs on the basis of their size and shape rather than on the amount of power they draw. As a result, unscrupulous manufacturers could easily skirt the phase-out by changing slightly the shape of their incandescent offerings, efficiency advocates say, dramatically reducing the measure's benefits.

"If this loophole isn't fixed, the nation's savings [for this one provision] will be cut by half or more," says Andrew deLaski, director of the Appliance Standards Awareness Project, an efficiency effort sponsored by the American Council for an Energy-Efficient Economy (ACEEE) and the Natural Resources Defense Council.

The new measure aims to replace America's 4 billion most inefficient incandescent bulbs with far more efficient light. That move alone could save enough energy to avoid building 40 large coal-fired power plants in the United States, which would make it the third-largest power-saving feature of the energy bill now moving through Congress, according to the ACEEE.

But if the loophole remains, the impact would be smaller.

"It's just too easy to get around the law," Mr. deLaski says. "Some company could make and sell a bulb that costs a fraction of the new efficient bulbs and undermine the whole thing."

For instance: Philips Electronics, one of the world's three largest bulb makers, plans to unveil in a few weeks a new halogen-based incandescent bulb that uses 25 percent less energy than today's standard incandescent bulb. But because that new bulb's shape is not specifically identified in the bill, an overseas manufacturer could make an inefficient incandescent bulb of the same shape – legally skirt the new rules – and undercut the new high-efficiency bulb's price.

Ever since a Senate committee hearing last month, at which energy-efficiency advocates held up bulbs of varying sizes to show what products could already escape the provisions, industry officials and many lawmakers have agreed there's a big gap in legislation. The question is how to fix it: whether to enact a broad efficiency rule required of any bulb that screws into a socket, with special exceptions for bulbs like black lights, or a narrower measure that bans specific products. Efficiency advocates want the former. Industry favors the latter.

"We are very concerned about loopholes," David Marks, a spokesman for the Senate Energy and Natural Resources Committee, wrote in an e-mail. But mandating the law for all screw-in bulbs means "we're talking about [exceptions for] many, many types of specialty bulbs. So the question for Congress is to find the right balance of burdens and benefits."

Some bulb manufacturers are optimistic that a remedy will be found.

"We may debate options to the solution," says Randall Moorhead, vice president of government affairs for Philips Electronics North America. "But we don't want people to get around the system. As far as closing potential loopholes whereby someone less conscientious could profit, this will be fixed."

If it isn't fixed, however, states appear ready to plug the loophole on their own.

At least eight states are weighing legislation. California's legislature has passed a stringent light-bulb bill that awaits the governor's signature. New York's legislature has approved similar bills. Nevada has already enacted a new law that bans inefficient incandescent bulbs based on how much energy they use.